

Sinclair Broadcasting's decision to force their stations to air an anti-Kerry documentary days before the election is a clear example of the dangers of media consolidation.

Sinclair uses the public airwaves free of charge, and is obligated by law to serve the public interest. Why is it important that Sinclair Broadcasting be urged in all lawful ways that can be imagined to reconsider its decision to broadcast on its television stations the anti-Kerry "documentary"?

Because in a large, pluralistic information society democracy will not work unless electronic media distribute reasonably accurate information and also competing opinions about political candidates to the entire population. Certainly, for the overwhelming number of voters this year, controlling impressions of the candidates for President are obtained from television.

In all countries, candidates for public office governments aspire to have favorable information and a chorus of favorable opinion disseminated through mass media to the citizenry. In a democracy, on the eve of a quadrennial election, the incumbent government plainly has a motive to encourage the media to report positively on its record but also negatively on the rival. But its role instead is to make sure that broadcast television promote democracy by conveying reasonably accurate reflections of where the candidates stand and what they are like.

To that end, since television was invented, Congress and its delegated agency, the Federal Communications Commission, together have passed laws and regulations to ensure that broadcast television stations provide reasonably accurate, balanced, and fair coverage of major Presidential and Congressional candidates. These obligations are reflected in specific provisions relating to rights to buy advertising time, bans against the gift of advertising time, rights to reply to opponents, and various other specific means of accomplishing the goal of balance and fairness. The various rules are part of a tradition well known to broadcasters and honored by almost all of them. This tradition is embodied in the commitment of the broadcasters to show the conventions and the debates.

Part of this tradition is that broadcasters do not show propaganda for any candidate, no matter how much a station owner may personally favor one or dislike the other. Broadcasters understand that they have a special and conditional role in public discourse. They received their licenses from the public -- licenses to use airwaves that, for instance, cellular companies bought in auctions -- for free, and one condition is the obligation to help us hold a fair and free election. The Supreme Court has routinely upheld this "public interest" obligation. Virtually all broadcasters understand and honor it.

Sinclair has a different idea, and a wrong one in my

view. If Sinclair wants to disseminate propaganda, it should buy a printing press, or create a web site. These other media have no conditions on their publication of points of view. This is the law, and it should be honored. In fact, if the FCC had any sense of its responsibility as a steward of fair elections its chairman now would express exactly what I am writing to you here.